

## QUR'ANIC INJUNCTIONS ON CHILD RIGHTS (*HUQŪQI-'AWLĀD*) AND ITS APPLICATION IN KWARA STATE OF NIGERIA

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### ABSTRACT

*Child rights remain one of the fundamental aspects of Islam and Shariah. This stems from the fact that Islam accorded different socio-religious and economic rights to children. It is within this context that this study examines the Quranic injunctions on child rights and their application in Kwara State. It has been found that there is no implementation of Islamic Law in Kwara State, but to some extent, Muslims enforce certain rights of children which include the right to child identity, right to feeding, right to education and ibadat. However, the negligence of these rights among Muslims leads to various forms of social problems such as drug addiction, prostitution and violent behaviour in Kwara State. The paper concludes with the suggestion that Islamic scholars should issue fatwa against child rights while Muslims should be educated on the components of child rights in Islam.*

**KEYWORDS:** *Child Rights, Islam, Muslim, Qur'an, Shariah*

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### INTRODUCTION

Shari'ah recognizes the family as one of the most potent institutions that enhances the Islamic ummah (community/society). Shari'ah as a comprehensive legal code addresses the issue of rights of children as well as the responsibility of the family, government and society. This responsibility is virtually synonymous with one arm to the other. Children are valued and cherished in Islam. Almighty Allah (SWT) has exclusively postulated the rights of a child which must be protected for him; these include the right to education and instilling moral values, rights to feeding and clothing, rights to protection of life and integrity and right for free expression and ownership of wealth. The said rights constitute the fundamental rights of a child. Therefore, the rights are made largely obligatory on parents and to some extent on society.

In Islam, the upbringing of children is a religious and social obligation of the family. The family must be able to provide food, cloth and shelter for their children. Apart from these basic necessities of life, it must also educate children on moral and good characters to the society (Adegoke, 2005). According to him, Omran, the child is recognized, with nothing to do with the family and innocent Muslims are encouraged to take action that the level of conflict and bad deeds of adults do not pollute them (Omran, 1992). Yes, a wide range of rights have been defined as belonging to a child in the context of the Qur'an and Hadith; they are, mainly, Omran, has the right to be ancestral, purity, the right to life, the legality of union and a good name for breastfeeding, protection, preservation and support of services (health and nutrition), the future, security, "religious education and good upbringing, education (regardless of gender, gender and other factors), education, training, sports and fair treatment, and this is most important". the fact is that all the resources that are used to support them get a legitimate source.

Islam guarantees the right of a child to live, even though it is still an embryo in the womb. Islam requires that we take care of children, give them the right to breastfeed and care, and provide service to physical and spiritual rights. Islam prohibits any violation of these rights. It warns parents to let the malpractice that comes after their parenting. Children, so this is trust, this is for parents.

After safeguarding the lineage, Islam imposed certain mutual rights, which proceed naturally from the parent-child relationship, upon children and parents, making certain things haram for them in order to protect these rights. The child has a right to life. Neither the father nor the mother has the right to take the life of the child, whether a boy or a girl, by killing it or burying it alive, as was done by some Arabs of *jahiliyyah*. Against this background, this paper examines the Quranic injunctions on child rights and their application in Kwara State.

### Definition of Child

A child is referred to as a young person (i.e. a boy or a girl) from birth to the age of full physical development (Advanced Learner Oxford Dictionary, 2001). In traditional and in contemporary Africa, various ethnic groups see one as a child in so far as he/she cannot contribute (due to the age) to the development of the society. Folarin sees it as one who is yet attained the age of initiation into the age of grade (Ayinla, 2009).

Internationally, there are divergent definitions as to who is a child. Whereas the International Labour Organization and the United Nations Population Division (1999) refers to children as those below 18 years of age, a category involving even a sizeable part of the adolescent years. At the same time, UNICEF describes the period of childhood, when the mind, body and personality are formed, and then temporarily poverty becomes the cause of lifelong development of fat trauma and impaired human development.

### Islamic View on Child Rights

The Qur'an uses various terms for children (e.g. Arabic terms "dhurriyya; ghulām; ibn; walad; walīd; mawlūd; ṣabī; tifl; saghir) but according to Avner Giladi, the context seldom makes it clear whether it is exclusively referring to the unmaturs. The Qur'anic statements about children, Giladi states, are mainly concerned with "infanticide, adoption, breast-feeding, and fatherless children." These statements were of a normative-ethical significance for later Muslim jurists who formed the foundations of Islamic legislation (Giladi, 2008). Arikewuyo states that from the outset, the Islamic family law makes adequate provision for guiding the marriage contract-being the source of procreation, which invariably presumes the security and welfare of the child (Arikewuyo, 2003).

Children, mostly Muslim, are entitled to rights. The first and most important of these rights is the right to appropriate upbringing, upbringing and education. This means that children will be fit, adequate, healthy and conformable to religious, ethical, order and spiritual values, to guidance that will preserve them for life. They need to be engraved with true values, feeling right and right, and false, right and wrong, not fitting and not matching, and the list goes on and on. The Messenger of Allaah (peace and blessings of Allaah be upon him) PBUH said:

Every one of you (people) is a shepherd. And everyone is responsible for whatever falls under his responsibility. A man is like a shepherd of his own family, and he is responsible for them (Al-Hafiz, 1996).

Childhood is basically a period when their children should enjoy life, games and toys, but also in order to receive training and skills that will allow them to lead a successful life in the future. There is nothing wrong with this, assign the child a part of the work that corresponds to his age and physical abilities. According to Sheikh Yusuf Al-Qaradawi:

It is one of the basic rights of children that they enjoy their childhood. They are not to bear the responsibilities of adults while they are still so young. This will have a negative influence on them, for it deprives them of enjoying a very important period of their lives. Children are to play and have child-centered fun and education. Special attention is to be paid to developing the talents of children and guiding them well in that respect (Al-Qardawi, 2005).

Children should not be deprived of education and upbringing based on their poverty and the need to work to earn a living and provide for their families. As a child, he helped his father grow on the farm where his father, a farmer or part of it, worked in his workshop if he was. Children are not allowed to help their parents in these areas and, besides, so it is that there is not so far away, which is extremely stressful for them.

Allah (SWT) Has exclusively postulated the rights of a child which must be protected for him; these include the right to education and instilling moral values, rights to feeding and clothing, rights to protection of life and integrity and right for free expression and ownership of wealth. The said rights constitute the fundamental rights of a child. Therefore, the rights are made largely obligatory on parents and to some extent on society.

The rights of feeding and clothing are essentially emphasized and made obligatory on the male parent. This right is to be exercised in order to safeguard the child's honour, personality, and health. However, the ability of a parent in this regard has to be taken into consideration, so that where he proves unable, then society is urged with the catering of the child's need. Nevertheless, this is not an excuse for allowing children to indulge in begging, because Muslims are to ensure their ability to cater for family first before engaging in marriage life, not just for sexual pleasure. Allah (SWT) commands:

Let a man of wealth spend from his wealth, and he  
whose provision is restricted – let him spend from what  
Allah has given him. Allah does not charge a soul except  
(according to) what He has given it...(Qur'an, 65:7 ).

The life of a child is sacred; therefore, Islam does not permit the killing of a child for whatever reason. It is based on these reasons that even in the course of war, the life of a child must be saved. Similarly, abortion of pregnancy is prohibited. Many numbers of Qur'anic verses have condemned the elimination of a child or denying him to survive. For instance:

And do not kill your children for fear of poverty...  
( Qur'an, 17:21).

One of the basic things that build a child's character and also forms one of his rights is to provide him with the needed knowledge. For that reason, to make a child well behaved and disciplined, he is first required to have knowledge about His lord and His message. This knowledge would instill in him the consciousness of His creator, Allah (SWT), and in turn, provide him with the realization of the rights and dues of every other person.

Consequently, he would attain piety that could boost his understanding in every aspect of knowledge. Allah (SWT) proclaims:

And fear Allah. And Allah teaches you.

And Allah knows all things (Qur'an, 2:282).

A child has the right to free expression; however, he is *requiring* to be guided where he makes a wrong decision. This is why all his engagements in either marriage or business transaction are subject to the confirmation of his parents or guardians. It is believed that the parents or guardian would never commit a child to what is detrimental to him. Allah (SWT) commands:

But if they strive to make thee join in worship with me things of which thou hast no knowledge, obey them not; yet bear them company in this life with justice [and consideration] (Qur'an, 31:15).

The Prophet (SAW) expatiates on the above-quoted verse to indicate that obedience to parents in all aspects of command is obligatory on a child to expect where their commands contravene the injunction of Shari'ah. He says,

No obedience for the created shall be if it is considered disobedience for the creator  
(Musnad Ahmad vol.6 No1095).

Equally important a child has the right of ownership of wealth. However, it is mandatory for his guardian to ensure the safety and promotion of his wealth and should only be surrendered to him when he attains his full faculty and proper guidance. The Qur'an commands:

And test the orphans (in their abilities) until they reach marriageable age. Then if you perceive in them sound judgment, release their property to them. And do not consume it excessively and quickly, (anticipating) that they will grow up (Qur'an, 4:6).

### **Application of Quranic Injunctions on Child Rights in Kwara State**

Kwara State, with its headquarters in Ilorin, was among the other eleven states created on 27th May, 1967. The state comprises of 16 Local Government areas, which are Asa, Baruten, Edu, Ekiti, Ifelodun, Ilorin East, Ilorin South, Ilorin West, Irepodun, Isin, Kaiama, Moro, Offa, Oke-Ero, Oyun and Patigi Local Government Areas. Islam and Christianity dominate the religious climate of the state. Kwara State is predominantly a Muslim state with a large scale practice of polygamy and mass poverty; these would have contributed immensely to the problem of child rights violation.

Although there is no implementation of Islamic Law in Kwara State, to some extent, Muslims in the state follow Islamic dictates on the application of child rights. For instance, Islam strongly recognizes the right of a child to identity and it is ordained that the parents must religiously enforce the right. Thus, Islamically, it is an important duty of the parents to give good names to their offspring and it is the right of the offspring to receive auspicious names from their parents (IslamOnline.net, 2004). Muslim parents in Kwara State enforce this right by giving their children good names in eight days.

Islam enjoins parents to ensure that the child is given adequate medical attention which includes giving the child nutritious food, adequate breast feeding etc. They are also enjoined to avoid any traditional practices that may be harmful

to the health of the child e.g. tribal marks. Shari'ah is also concordance with this aspect of right because it has been provided in the Qur'an that mothers must adequately breast feed their children. Allah said:

“The mother shall give suck to their offspring for two whole years, for him who desires to complete the term....” (Qur'an, 2 vs. 233).

Most of the Muslim parents in Kwara State child apply the above Quranic injunction by given adequate medical attention which includes giving the child nutritious food, adequate breast feeding etc.

Ever since the emergence of Islam in Kwara State, learning of the Qur'an has become compulsory for Muslim children. As soon as Muslim child attains the age of three, four or five, parents will send him/her to mallam for enrolment in the Quranic schools. Usually, there is no hard and fast rule on this other than that the child would just be taken to the school, while the teacher would accept him. No registration formalities or payment of any fee or prescription of school uniform. The child has thus commenced a long journey which will culminate in the acquisition of the knowledge of reading of the Qur'an which may span through a period of four years (minimum) or ten years (maximum).

As much as possible, Qur'anic schools are able to maintain and instill discipline on the pupils. Muslim parents in Kwara State teach their children about the life of Prophets, hell and paradise from the moment they start to communicate with them. These teachings are used as a means to discipline the children and encourage them to be obedient to their parents.

In theory, all ibadat, like prayers and fasting, are obligatory only to mature Muslims. However, Muslim parents in Kwara State teach and force their children to perform those ibadat. According to Bukhari and Muslim and all other hadith books, Prophet Mohammed's order is crystal clear in this regard: “teach your children how to pray from the age of seven, and beat them (if they don't do it well) at the age of ten”. An increasing number of Muslim parents nowadays do beat their children if they don't pray.

### **Implications of Negligence of Child Rights among Muslims**

The negligence of child rights among Muslims leads to various forms of social problems such as drug addiction, prostitution and violent behaviour e.g. street fighting, vandalism and political thuggery. Indeed, the negligence of child rights is a very important issue that needs tremendous attention in the academic world. This is very necessary because of a big threat posed by the phenomenon to the development of Muslim children in society. The laws of religion contained in the Qur'an and Sunnah are strictly made compulsory to be complied with by Muslims as well as nations. Therefore, failure to comply with the injunction of Shari'ah would result in repugnant and unpleasant situations on the earth. Allah (SWT) reveals:

And when they angered us, we took retribution from them and downed them all  
(Qur'an, 43:55)

Negligence of child rights mostly in Kwara State is responsible for many crimes and setbacks particularly in the Muslim dominated areas like Ilorin. The high rate of beggars on our streets and domain is as a result of misconception about the teachings of Islam, this, therefore resulted into the negligence of some parents of their sole responsibility of feeding their children. There is no doubt that there are among parents who think it part of religious discipline to allow a child to feed from begging as long as he remains a student of Qur'an. The consequence of this increasing rate of beggars

from the Muslims children poses a serious challenge and disgrace to society. This is because it discourages non-Muslims from admiring Islam since mostly these beggars wear the most disgusting appearances and eat from all kinds of contemptuous remnants.

Similarly, the danger of negligence of the rights of children mostly in Kwara State is alarming; this is because Muslims are losing strength and the advantage of numbers. One of the wisdom why Islam commands the marrying of many wives and having many numbers of children is to populate and provide self-sufficiency to the Muslims Ummah so as to cater for all needs. However, the prevailing situation of the negligence of children to malingering and roam about is dragging the Muslim Ummah to dependency and degradation.

There is also a threat of the prevalence of crimes such as theft, prostitution, and other related forms of corruption. This is the consequence of idleness and roaming about of the children whose rights are neglected in the name of either seeking religious knowledge or in the name of poverty that push the children into hawking at the expense of their due responsibility.

## CONCLUDING REMARKS

This study has brought to the fore pertinent issues relating to the Qur'anic injunctions on child rights and their application in Kwara State. Some of the prominent child rights being applied by the Muslims include the rights to religious guide, right to good name, right to proper care, right to functional education including Qur'anic learning, etc. It is our submission that to a large extent the Muslims in Kwara State are applying the various Quranic injunctions on the rights of their children.

The religion of Islam is guided by divine revelation. This made the right of everyone to be considered in due proportion. Therefore, adherence to the rights of the creator, Allah (SWT), provides an ample opportunity to realize and attend to the rights of everyone. One of the emphatic rights after the right of Allah (SWT) is the right of children. The rights of children are paramount perhaps because at a particular stage they cannot exercise any struggle to retrieve their rights because of their weakness and inability. It might be because the successful future of every society lies in the betterment of favorable conditions for the growth of children, when their rights are duly observed. Therefore, if the rights of children are either neglected or denied there would be outbreak of redundancy that could result in dependency and consequently prevalence of crimes.

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